

## **ELECTRONIC MAILBOXES - FREQUENTLY ASKED QUESTIONS**

1. Does submission of Portable Document Format versions of documents negate the need to submit paper copies?

**No. All parties must continue to submit paper copies, and the filing date of the document will be governed by the submission of the paper and not PDF copy. Note that with respect to briefs, the filing date continues to be recorded as the date the court receives the paper version of the document. Pursuant to FRAP 25(a)(2), a brief will be received timely if, on or before the last day for filing, it is mailed to the Clerk by First-Class Mail or other class of mail that is at least as expeditious (postage prepaid) or dispatched to a third-party commercial carrier for delivery to the Clerk within 3 calendar days.**

2. When creating a PDF version of a document to be submitted to the Court, is it acceptable to scan the document and then convert that to a PDF?

**No. There must be a digital version of the document itself converted to a PDF or Acrobat format. Converting a document into PDF format by scanning the document does not comply with this rule.**

3. Has the Court changed its anti-virus certificate to reflect that all documents, not only briefs, are now being submitted in a PDF format?

**Yes. The amended anti-virus certificate is now available on our website. When completing the certificate, please be sure to check the appropriate box indicating to which electronic mailbox you are submitting your PDF document.**

4. If I submit my PDF document but fail to submit an anti-virus certificate simultaneously, can I still be deemed in compliance with the new PDF requirements?

**No. If no anti-virus certificate is attached, a filing will be deemed defective.**

5. If I submitted a PDF version of a brief to the Court's electronic mailbox for briefs ([briefs@ca2.uscourts.gov](mailto:briefs@ca2.uscourts.gov)) as previously provided in Local Rule 32(a)(1)(A), am I in compliance with the new local rule?

**No. The electronic mailbox for briefs was shut down at 12:00 a.m. on Tuesday, May 27, 2008. Any PDF versions of documents sent to that mailbox as of that time cannot be retrieved by the Court. Please route PDF versions of briefs and all other filed documents to the appropriate mailbox designated in the amended rule.**

6. If I know the case type (i.e., agency, criminal, civil, pro se) for my case, is it appropriate to submit a petition for review or notice of appeal to the mailbox designated for my case type even if the case has not yet received a Court of Appeals docket number?

**No. All documents in a case that have not yet received a docket number must be submitted to the electronic mailbox for new cases ([newcases@ca2.uscourts.gov](mailto:newcases@ca2.uscourts.gov)). Submitting a document to one of the other mailboxes will not be deemed to be in compliance with the new local rule.**

7. Can I submit FRAP 28(j) letters and motions to the Court in a PDF format on CD-ROM?

**No. Parties should use the designated electronic mailboxes as provided in the new local rule. Submission of a CD-ROM will not be deemed to be in compliance with the rule.**

8. Under the new local rule, is it still appropriate to submit an appendix on CD-ROM?

**Yes. The new local rule does not apply to appendices, and the Court strongly encourages parties to include an electronic version of their appendix on a CD-ROM when filing the paper copy with the Court.**

9. Does the Court's new electronic mailbox rule apply to the filing of a Petition for Review ("PFR")?

**Yes. Counsel are required and pro se parties are encouraged to submit a PDF version of the PFR to the electronic mailbox for new cases ([newcases@ca2.uscourts.gov](mailto:newcases@ca2.uscourts.gov)). Please do not route the PDF version to the Court's Agency team as no docket number will have been assigned prior to the filing of the PFR.**

10. When electronically submitting a Petition for Review ("PFR") to the Court, is it appropriate to send the PFR and all of its attached documents (e.g., agency court order of review, filing receipt, motion for stay of deportation, anti-virus document) as a single PDF document?

**No. A PFR and its attachments may be sent electronically under one e-mail; however, they must be split into separate PDF documents.**

11. When electronically submitting a motion, should I send the T-1080 Motion Information Statement, its supporting documents, and the anti-virus certificate as separate PDF documents?

**No. All documents submitted in connection with the motion should be sent electronically under one e-mail as one document. The T-1080 Motion Information Statement should be the first page, and the supporting documents (e.g., affidavit, proof of service) and then anti-virus certificate should follow.**

**(Last updated 10/2/08)**